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TO: CITY COUNCIL  
 CITY AND COUNTY OF HONOLULU

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
 Lauren Zirbel, Executive Director

DATE: June 4, 2014  
 TIME: 10:00am  
 PLACE: Mission Memorial Auditorium on the Grounds of Honolulu  
 Hale

RE: Bill 40 (Public Works and Sustainability) Relating to disposable food containers. (Prohibiting certain types of disposable food containers.)

Position: Opposition

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers and distributors of food and beverage related products in the State of Hawaii.

HFIA is in opposition to this measure, as it is a mandate on businesses that will increase costs for consumers and provide no upside for the environment, as Honolulu County does not have a commercial composting facility. Consumers are already being asked to pick up a twelve fold increase in cost due to the recent plastic bag ban. Please do not pass on this additional cost to consumers. Instead, allow consumer demand and behavior to change product offerings.

Biodegradable products are much more expensive than polystyrene options. However, biodegradable products, under our current system of waste disposal will meet the same end as polystyrene. Both compostable and polystyrene options can be incinerated. Both compostable and polystyrene options will not biodegrade in modern landfills. Landfills are designed to protect the environment from the liquids and gases produced by reducing the exposure of garbage to air, water and sunlight – conditions essential for degradation. Without an investment in commercial composting facilities, this increased cost for food establishments and consumers will result in negligible environmental benefits.

Not one county in Hawaii has a commercial composting facility where these products can be sent to compost. Oahu has the Honolulu Program of Waste Energy Recovery (H-POWER) which can utilize the very high BTU value of polystyrene.

MISC. COM. 1417

Council

Most of the trash debris seen on beaches is the result of haphazard disposal of waste from all over the world and on the seas, which are brought here by ocean currents. Many products do not biodegrade which is why waste management is such an important issue.

**Hundreds of Kalihi jobs may be eliminated if the Legislature continues to threaten this locally produced, favorably priced, FDA approved product.**

The market is creating its own commercially viable and money generating solutions to the problem, solutions which don't put people out of work or force the market to act in premature ways, but instead generate jobs and profit for government and private enterprise. These solutions are especially promising given the need for energy sustainability, especially in Hawaii, and given the rising cost of fuel. Technology is now available and widely used in Japan to turn plastics into high-grade diesel fuel.

While polystyrene is a petroleum byproduct, it is also a resource. It is currently being recycled here in Kalihi on a small scale, and is becoming a major recyclable resource in schools on the Mainland. In fact, more than 57 million pounds of packaging were recycled in 2004. Also, in accordance with EPA priorities, polystyrene manufacturers have placed precedence on source reduction and reuse as well as recycling, locally here in Hawaii as well as nationally.

Looking at this from a resource conservation prospective, source reduction is much more effective than recycling. According to Franklin and Associates, in order for polystyrene packaging and disposables' recycling efforts to save as much energy as the 408 million pounds source reduced in 1997, a recycling rate of 51% would have to be achieved. On a side note, we invite the Honolulu City Council to visit the KYD, Inc. (K. Yamada Distributors) manufacturing and recycling facility in Kalihi to see how they are reusing leftover production materials.

**There are very real concerns associated with the manufacturing of biodegradable packaging, as *Smithsonian Magazine* put forth in 2006, stating that biodegradable alternatives have considerable drawbacks that haven't been publicized. One drawback is that the cultivation of corn requires more nitrogen fertilizer, more herbicides and more insecticides than any other U.S. crop, and that practice contributes to soil erosion and water pollution when nitrogen runs off fields into streams and rivers. One must acknowledge the environmental trade-offs associated with the use of any packaging material and whether a mandate to use one particular type of container or product will have the desired result of reducing litter and/or marine debris.**

All foodservice products – regardless of the material from which they are made – require the use of various natural resources, i.e. energy, water, etc. A 2006 Life Cycle Inventory study by Franklin and Associates showed that polystyrene, when compared to other food service containers, is very efficient in terms of minimizing air emissions and energy used in the manufacturing process and in reducing the amount of waterborne waste generated during the manufacturing process.

This bill makes the false assumption that products that would replace polystyrene are somehow manufactured in a vacuum without the use of any raw materials, energy, or water, or fuel to deliver the product. This is especially important considering many bio-degradable options are produced in China where labor, quality and environmental standards are known to be well below the labor, quality and environmental standards practiced in plants which produce polystyrene here on the island of Oahu.

**We should consider the carbon footprint of shipping supplies from China, especially given that we have a more economically viable product produced right here in Hawaii, providing hundreds of jobs to the community.**

The FDA, Health Canada and Environment Canada concluded extensive studies that polystyrene is "non-toxic" and that styrene "does not constitute a danger to human life and health" and "does not constitute a danger to the environment on which human life depends."

We feel that the effective date does not give an appropriate amount of time for businesses to comply with this law, especially considering that the definitions are unclear and we have no idea which products would qualify under this bill. The definition of compostable does not work for Hawaii because we don't have a commercial composting facility, so technically no product would qualify. **How can we comply with the definition for compostable, "means all materials in the product will break down into usable compost in a safe and timely manner without leaving any toxic residue," when there is no compost facility where products could break down in a timely manner?** It appears that the section stating that, "all disposable food service containers must be made of compostable material," **also bans plastic coated paper products and potentially all paper and plastic products.** This is a huge problem, as these products are widely used as an alternative to polystyrene.

For all of these reasons we would ask that this bill be held.

Thank you so much for your time.

Thank you for the opportunity to testify.